

WILEY MALEHORN SIROTA & RAYNES
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Attorneys for Defendants,
Township of Pohatcong, and
Robert N. Paulus, Jr.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ORION GRAY

Civil Action No.: 08-5893(JAP)

Plaintiff,

v.

TOWNSHIP OF POHATCONG,
FRANCESCO PAGANO, ROBERT N.
PAULUS, JR., and JOHN DOES 1-5

**NOTICE OF MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT PURSUANT TO
FED.R.CIV.P. 12(b)(6)**

Defendants.

TO: Frank L. Corrado, Esq.
Joshua A. Donahue, Esq.
Barry, Corrado, Grassi & Gibson, P.C.
2700 Pacific Avenue
Wildwood, NJ 08260
(Attorneys for Plaintiff)

Thomas Keenan, Esq.
McCarthy & Jennerich
47 Orient Way
Rutherford, NJ 07070
(Attorney for Co-Defendant Francesco Pagano)

PLEASE TAKE NOTICE that the undersigned, Wiley Malehorn Sirota & Raynes, attorneys for the Defendants, Township of Pohatcong and Robert N. Paulus, Jr., will move before the

Honorable Joel A. Pisano, U.S.D.J., United States District Court, District of New Jersey, Clarkson S. Fischer Federal Bldg. & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, on March 16, 2009, at 9:00 in the forenoon for the Court's entry of an Order dismissing Plaintiff's complaint pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that the Defendants shall rely upon the Defendants' Brief and the Certification of Counsel.

A proposed form of order is annexed.

WILEY MALEHORN SIROTA & RAYNES
Attorneys for Defendants,
Township of Pohatcong, and
Robert N. Paulus, Jr.

By: /s James M. McCreedy
James M. McCreedy
jmcCreedy@wmands.com

Dated: February 12, 2009